

**AMENDMENT UNDER 37 C.F.R. § 1.111**  
**U. S. Application No. 09/657,272**

**REMARKS**

Prior to entry of the present Amendment, claims 1-38 are all the claims pending in the application. By the present amendment, Applicant cancels claims 2, 7, 18, and 23.

In response to the Amendment filed November 17, 2003, the Examiner repeated the indefiniteness rejection, but removed the prior art rejections and the objections to the specifications and drawings. The status of the claims is the following.

Claims 1-38 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 1, 2, 6, 10-14, 17, 18, 22, 26-30, 36 and 37 are rejected under 35 U.S.C. § 102(b) as being anticipated by newly-cited Le Couteur (GB 1547811 A). Claims 3-5 and 19-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Le Couteur in view of previously-cited Poetsch (GB 2140245 A). Claims 7-9, 15, 16, 23-25, 31-35, and 38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Le Couteur in view of Sugiura et al. (US 6,034,766)

Regarding the indefiniteness rejection, Applicant submits that the indefinite rejection of claims 1-38 is fully addressed and overcome by the present Amendment.

Le Couteur relates to a method and apparatus for detecting the presence of dust, hairs or other dirt as well as blemishes such as scratches and indentations on the surface of a cine film, while the film is running in a film reproduction machine.

Applicant submits that Le Couteur fails to teach or suggest all of the limitations of the claims. In particular, Le Couteur does not disclose reading a specified detecting light by

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scanning the detecting light in a first direction using an optical path of the visible light, wherein the specified detecting light is one-dimensionally read in a second direction which is perpendicular to the first direction of the scanning and the one-dimensional reading is continued during the scanning.

Furthermore, Le Couteur does not disclose the feature of claim 1 of determining from the read detecting light whether light quantity data of the one-dimensionally read detecting light contains a portion where the light quantity data changes at an identical reading position when the one-dimensional reading is continued.

Additionally, Le Couteur fails to teach or suggest detecting at least one of a foreign matter which adheres and a scratch which exists on an optical element forming the optical path of the visible light based on the result of the determining.

Therefore, claim 1 and its dependent claims 2, 6, 10-14 and 36 are not anticipated by Le Couteur.

For reasons analogous to those presented above, Applicant submits that claim 17 and its dependent claims 18, 22, 26-30 and 37 are not anticipated by Le Couteur.

Since the secondary references fail to make up for the deficiencies of Le Couteur, claims 3-5, 7-9, 15, 16, 19-21, 23-25, 31-35 and 38 are allowable over the prior art.

With further regard to Sugiura et al., Applicant has the following comments. Sugiura et al. inspects an optical member, which is however different from the optical element that forms an optical path as described in amended claim 1. Moreover, the inspection of a foreign matter or a scratch in Sugiura et al. is made by using a number of dots (pixels) having the value "1" which is binarized, as shown in the step 05 in Fig. 12 and described in col. 14, lines 11-26, or by using a

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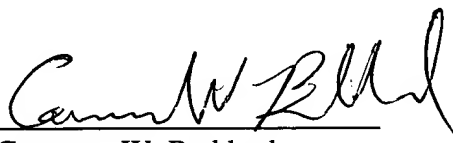
width T of the value "1" binarized on the line, as shown in the step S15 in Fig. 13 and described in col. 15, lines 17-56. In other words, the inspection in Sugiura et al. does not determine whether light quantity data of the one-dimensionally read detecting light contains a portion where the light quantity data changes at an identical reading position when the one-dimensional reading is continued, as recited in claim 1.

The amendments to the claims are supported in the specification as originally filed on page 35, line 14 to page 37, line 22, for example.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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